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MEETING OF THE
DISTRICT OF COLUMBIA STATEHOOD
CONSTITUTIONAL CONVENTION

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Monday, May 10, 1982

6:45 p.m.

Ninth Floor Auditorium
10th and E Streets, N.W.
Washington, D. C.

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P R O C E E D I N G S

(6:45 p.m.)

PRESIDENT CASSELL: I call the meeting to order.
We will have our traditional moment of meditation.
(A moment of meditation.)

PRESIDENT CASSELL: Mr. Secretary, would you call
the roll, please?

MR. COOPER: Delegate Baldwin.

MR. BALDWIN: Here.

MR. COOPER: Delegate Barnes.

(No response)

MR. COOPER: Delegate Blount.

MR. BLOUNT: Present.

MR. COOPER: Delegate Bruning.

MR. BRUNING: Here

MR. COOPER: Delegate Cassell.

PRESIDENT CASSELL: Present.

MR. COOPER: Delegate Clark.

(No response)

MR. COOPER: Delegate Coates.

MR. COATES: Present.

MR. COOPER; Delegate Cooper. Present.

Delegate Corn.

(No response)

MR. COOPER: Delegate Croft.

(No response)

MR. COOPER: Delegate Eichhorn.

MS. EICHHORN: Here.

MR. COOPER: Delegate Feeley.

(No response)

MR. COOPER: Delegate Freeman.

(No response)

MR. COOPER: Delegate Garner.

MR. GARNER: Here.

MR. COOPER: Delegate Graham.

(No response)

MR. COOPER: Delegate Harris.

(No response)

MR. COOPER: Delegate Holmes.

MS. HOLMES: Here.

MR. COOPER: Delegate Jackson.

MR. JACKSON: Present.

MR. COOPER: Delegate Johnson.

MS. JOHNSON: Present.

MR. COOPER: Delegate Jones.

MS. JONES: Here.

MR. COOPER: Delegate Jordan.

MR. JORDAN: Here.

MR. COOPER: Delegate Kameny.

MR. KAMENY: Here.

MR. COOPER: Delegate Lockridge.

(No response)

MR. COOPER: Delegate Long.

(No response)

MR. COOPER: Delegate Love.

(No response)

MR. COOPER: Delegate Maguire.

(No response)

MR. COOPER: Delegate Marcus.

(No response)

MR. COOPER: Delegate Charles Mason.

MR. MASON: Here.

MR. COOPER: Delegate Hilda Mason.

MS. MASON: Here.

MR. COOPER: Delegate Brian Moore.

MR. B. MOORE: Present.

MR. COOPER: Delegate Jerry Moore.

(No response)

MR. COOPER: Delegate Talmadge Moore.

MR. T. MOORE: Present.

MR. COOPER: Delegate Nahikian.

MS. NAHIKIAN: Here.

MR. COOPER: Delegate Nixon.

MR. NIXON: Here.

MR. COOPER: Delegate Oulahan.

MR. OULAHAN: Here.

MR. COOPER: Delegate Paramore.

(No response)

MR. COOPER: Delegate Robinson.

(No response)

MR. COOPER: Delegate Rothschild.

MR. ROTHSCCHILD: Here.

MR. COOPER: Delegate Schrag.

MR. SCHRAG: Here.

MR. COOPER: Delegate Shelton.

(No response)

MR. COOPER: Delegate Simmons.

MS. SIMMONS: Present.

MR. COOPER: Delegate Street.

(No response)

MR. COOPER: Delegate Terrell.

(No response)

MR. COOPER: Delegate Thomas.

MR. THOMAS: Here.

MR. COOPER: Delegate Warren.

(No response)

MR. COOPER: Mr. President, 26 delegates answered the roll.

PRESIDENT CASSELL: There being 26 people answering the roll, the convention is now in order.

I have a note here from our Secretary, which reads as follows:

"May 10, 1982. During the first two weeks of the daily plenary sessions, April 26, 1982, to May 8, 1982, we have lost 12.01 hours due to being called to order beyond the stated hour. Signed, William B. Cooper."

It looks to me as though everybody was here today, as I came into the room. I have been here for about an hour myself, waiting for a quorum and it looks as though we had a quorum for quite some time.

In order that we not be faced with this loss of time again, I promise to be here at 6:00 o'clock and to start at 6:00. We did that a couple of times and had to read the roll about four or five times, but let's do that.

We left off at the end of the last meeting, at the

time of the recess, with the completion of the question and answer period and this evening we are to begin the formal debate on the intergovernmental relations articles and hopefully amend and adopt by the end of the day.

Delegate Nahikian, would you care to proceed?

MS. NAHIKIAN: Yes, Mr. President. I would move the adoption of Section 1 of the article on intergovernmental relations entitled "Boundaries of the State."

PRESIDENT CASSELL: Second? Is there a second?

VOICE: I second it.

PRESIDENT CASSELL: All right, it has been moved and seconded that Article 1 or the article on intergovernmental relations be adopted.

Discussion?

(No response)

Section 1 of the article on intergovernmental relations. There being no debate, those in favor -- all right, here we are, Delegate Baldwin.

MR. BALDWIN: Mr. Chairman, when it is the appropriate time, I would like to offer an amendment.

PRESIDENT CASSELL: All right, any debate or discussion?

Delegate Mason?

MR. MASON: I have a problem with defining such a large enclave, in other words such a large piece out of the state. The original legislation introduced for statehood by Congressman Dellums prior to home rule I think contemplated a much smaller enclave than this. This is to a large degree copied from the district that was described in the home rule charter but has really never been implemented because it is -- well, for whatever reason.

The original concept was that the only part excluded from the state would be the land occupied by the Capitol and its associated office buildings which I believe would include the Library of Congress, by the Supreme Court, by the White House and its associated office building, namely the Executive Office Building, and it would include a strip of parkland in between, basically the Mall but not including the museums, not including the Agriculture Department, so as to connect the two ends, and I presume running down as far as the Jefferson Memorial.

Now, if Congress is not happy and wants it bigger, there is nothing to prevent Congress from seeking to do so, but I don't think that we should come up with a big district, with lots of building in it where people are employed and where we might be able to get income tax from non-residents

and --

PRESIDENT CASSELL: Do you want to make an amended motion to that regard?

MR. MASON: I have not written up a surveyor's description of this. Now, the question is -- my intent is to limit it approximately as I have described. One way to do it would be to recommit this particular section to the committee to prepare a surveyor's description consistent with the general idea which I have proposed, and if there is no objection to that I would so move.

PRESIDENT CASSELL: Oh, I think you would have to be a little more specific than that or at least write that out so we all --

MR. MASON: I can write out what --

PRESIDENT CASSELL: Why don't you write that out and then make the motion, while we go on and then the Secretary can read it and we can vote on it.

Mr. Baldwin?

MR. BALDWIN: Mr. President, before I make my amendment, I would like to ask the Chairperson of the committee a couple of questions, and that will determine whether or not I will proceed with my amendment.

Madam Chairperson, approximately how many persons

reside within the National Capital service area?

MS. NAHIKIAN: Mr. First Vice President, to my knowledge, no persons --

MR. BALDWIN: Except the President.

MS. NAHIKIAN: -- except the President reside within the current National Capital service area.

MR. BALDWIN: I am talking about the National Capital service area as defined in Public Law 93-198, which is our home rule bill.

MS. NAHIKIAN: Right, and that is precisely the boundaries we used in our proposal, with only minor exceptions. To our knowledge, it does not include residences.

MR. BALDWIN: Number one -- I am not debating, I am just making a statement -- Madam Chairperson, our bodies living within the NCPSA as defined by the home rule bill -- in that bill, the statement -- first, I went out today and checked and then, secondly, we would be in fact disfranchising some people, we would rule them out and they couldn't vote in our new state.

The way the Congress dealt with that in the last sentence, as you know -- I am trying to find it -- where they said that we could not prevent anyone living in that NCPSA from voting in the District of Columbia, so the same

thing would apply as far as the state is concerned. In other words, the Congress stated that we could not deny anyone living within that area the right to vote within the District of Columbia which would then become a state.

My only concern is that if we define the National Capital service area and you did really define it as Public Law 93-198, you left some things out. First, I think if you are going to use it, you should have kept everything in; and, second and my main point is that you will in fact disenfranchise -- and I think Delegate Rothschild raised that question Friday night when he asked you how many people resided within that area -- I'm sorry, Delegate Eichhorn.

MS. NAHIKIAN: Mr. Baldwin, could you tell us who lives there, because in our research we did not find residents within that area, and if you would like to see the exact differences between our proposed federal district and the National Capital service area, the blue enclave, the blue overlay on the map here --

MR. BALDWIN: I am familiar --

MS. NAHIKIAN: -- shows the difference.

MR. BALDWIN: I am very familiar with it and I would like -- at a minimum we should state in our Constitution, if you are going to use this, the same thing the Congress said,

in no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital service area. So that is one point I am concerned about, that there are in fact people residing and that we should not -- we should take the same language that we had in the home rule bill. Is there anything wrong with putting that in there, just in case there is one person?

MS. NAHIKIAN: There are several problems with taking the exact language from the home rule charter, namely the committee's decision that it was not necessary to include Bolling Air Force Base, which is a critical issue in the southeast neighborhoods, the Poplar Point Nursery and Naval Research Lab, and the Navy Yard. I think that there are a number of members of the committee that would like to respond.

Delegate Eichhorn, I think I saw your hand.
Delegate Jordan?

MR. BALDWIN: The only response I would need would be that, yes, there are definitely no people living within that NCPSA, so we won't take up a lot of time.

MS. EICHHORN: Other than the White House, there are not, and I was in the House of Representatives when this

provision was presented and it was the intent of Congressman Ford and Congressman Reed to --

PRESIDENT CASSELL: To answer that question, are you indicating that their information is not correct and that there are people living within the area as defined?

MR. BALDWIN: Based on what in 1977, yes, there were people living and I would say there are people living there in 1982, a Mr. Gonorsky, who is Minority Staff Director on the Hill -- and I talked with him this morning, and he in fact had sent this committee a letter. It is his position also that there are in fact people living within this National Capital service area.

MS. NAHIKIAN: Mr. Baldwin, I could refer you to the letter that the committee --

MR. BALDWIN: I have a copy of the letter. I picked it up from his office.

MS. NAHIKIAN: Right -- that the committee considered -- when we got testimony from Mr. Gonorsky, Mr. Gonorsky's letter did not indicate anything about people residing. The committee report, however, does reflect one concern he had about boundaries which had to do with the Potomac River and the bridges. To our knowledge -- and the National Capital service area boundaries we are dealing with

are not those from 1967 but, rather, from when the home rule charter that Delegate Eichhorn just referred to was debated and adopted in 1973.

MR. BALDWIN: Those of us who live in the southeast areas, we are dealing with the real world. We know for a fact, and the language speaks to those properties that run adjacent, they are talking about -- they mention Bolling Air Force Base and all of that.

MS. NAHIKIAN: We have excluded that from the recommended --

MR. BALDWIN: You may have excluded it, but I am trying to --

PRESIDENT CASSELL: Let us not have an argument.

Are there other members of the committee who have need for constitutional debate?

MS. NAHIKIAN: President Cassell, I do not feel this is characterized as an argument. I am certainly not arguing with anyone and I don't know why you characterize it as such.

PRESIDENT CASSELL: I asked the question, are there other people who may have some information that bear on this debate. We have a motion on the floor and we are asking for amendments to the motion. Does anybody else from that

committee --

MR. T. MOORE: Mr. President, I don't think it is our policy to disenfranchise anybody from voting and I don't see why we cannot consider -- if he is saying we are denying someone the right to vote in those specific areas, we will be willing to discuss this or compromise on this because we aren't here to deny anybody the right to vote.

PRESIDENT CASSELL: All right. Delegate Baldwin has suggested some language that would eliminate that disenfranchisement and we can make that an amendment but that still wouldn't draw the boundaries. The boundaries are defined specifically in this amendment.

Unless there is some specific indication that there needs to be an amendment, if there is debate here, it seems to me we could set this aside until that can be resolved to the satisfaction of the delegate who raised the question.

Let's take a suggestion from the floor. Delegate Kameny?

MR. KAMENY: When it is in order, I would like to raise an amendment on public --

PRESIDENT CASSELL: All right. Delegate Nahikian?

MS. NAHIKIAN: Based on the comments of Delegate Thomas Moore as well as a number of other delegates, it is

still the committee's belief that there are not persons who reside within the area. But if there is major concern such as Delegate Baldwin has indicated, we would have no problem in entertaining an amendment to our proposed article which could read as follows: "Any person who resides in the federal district shall be entitled to elect, to register and vote in the state."

I don't know if that meets with Delegate Baldwin's concern.

PRESIDENT CASSELL: Delegate Baldwin, did you hear the suggested amendment from the committee that would remedy your concern?

MR. BALDWIN: I have three concerns and my concern would be taken care of with my amendment. I was only suggesting, Mr. President, to save time that maybe the committee would like to reconsider these boundaries and think through them and come back tomorrow night or some other time. If not, I will proceed with my amendment. That is how I will make my amendment. I thought it would be best if we talked briefly about what my amendment would include. That was the first -- the first point was disenfranchising people, and that would in fact happen.

My second point --

PRESIDENT CASSELL: Before we go to that, Delegate Nahikian, is that suggestion agreeable to the committee?

MS. NAHIKIAN: No. To recommit to the committee? In other words, just so I can understand, Delegate Baldwin is suggesting that the proposed article be recommitted for a further look by the committee?

PRESIDENT CASSELL: He has indicated that he is reading from a letter that suggested that indeed there were at least in 1967 citizens living in that area. He is not convinced that there are not citizens living in that area --

MR. BALDWIN: That is not a letter. That is just the home rule bill, Public Law 93-198.

PRESIDENT CASSELL: Now, to resolve that, is the committee willing to resolve that by looking into the fact or looking into the question as to whether there are actually people living in that area or not, or would you have Delegate Baldwin make that as an amendment and debate it and vote it up or down?

MS. NAHIKIAN: Delegate Cassell, from indications I have had from the members of the committee, we believe that there are no residents in the federal district as we have recommended the boundaries. However, we would be willing to take an amendment at this point to take care of

Delegate Baldwin's first concern about disenfranchisement in the language that was stated, that I read earlier. We would be very willing, and I think there is consensus there of the committee members, but I do not think we are willing or feel the need to recommit the article for further work by the committee.

PRESIDENT CASSELL: Well, how would you -- you could decide, you could make an amendment which enfranchises everybody. How would you take care of the fact that the boundaries as drawn may actually disenfranchise somebody? Would you not still, if that were true, have a conflict in that particular document?

MS. NAHIKIAN: Mr. President, based on our research and work on this particular issue, it is our belief that in fact there are no persons residing within the proposed federal district that would be disenfranchised.

MR. BALDWIN: Mr. President, since we understand the -- you have asked them three times -- since we understand the mood of the committee, I would like to proceed with my amendment, please.

PRESIDENT CASSELL: Do you want to discuss the other three?

MR. BALDWIN: The other three -- the other two now.

One is that the committee, even though Mr. Gonorsky advised them against, still left the Potomac River outside the boundaries of our state and they can't do that because the definition of the District and other areas says that -- and it reads as follows, "including the Potomac River and its course through the state and the islands therein." So this body cannot decide that we don't want the bridges and the Potomac River and therefore we are going to pass it to the federal government. We can't do that, Mr. President. That is my second concern.

By the mere fact that the official description of the District of Columbia, that part that was ceded from the state of Maryland does in fact say it shall include the river that runs through the District on over to the Virginia shoare.

What this same Mr. Gonorsky told them -- and I will read it, and they have the language of what he said to them -- it can be clearly seen that in specifying the various ares that will be included in the federal enclave" -- okay, I want to find the -- "no responsibility for bridges or the Potomac River."

In other words, they can't say that this is the federal government's responsibility. You can say it, but

nothing will happen, and that is all I am saying.

PRESIDENT CASSELL: Okay. Before the motion to amend, does the committee have a response to that?

MS. NAHIKIAN: Yes, I think there are a number of responses. Delegate Jordan? Delegate Eichhorn?

MR. JORDAN: I think we have considered the comments of the minority leader. I don't know that we are trying to tailor this provision to meet the concerns of anybody specifically in the Congress of the United States. There was one compelling reason -- and I brought that up Friday, I mean Saturday, and I hope that it didn't fall on deaf ears when I talked about it, but we will talk about it again this evening.

First of all, defining the boundaries of the District of Columbia doesn't necessarily mean we will define the boundaries of the state. That is the first hurdle we have to come to grips with, is the District of Columbia as we know it today going to include -- I mean it the state as we know it going to include all of the area of the District of Columbia, and that is a different question.

But on this issue of the Potomac River, as we know -- and I noticed Saturday there is presently a case in the District of Columbia Court of Appeals that is trying to resolve the issue of the Potomac River, and the 1945 Boundary

Act says that our boundary on the southwestern shore of the Potomac River is defined by the pier head line, and that at any point which Congress or the Corps of Engineers or anyone else chose to change that pier head line, they would change the boundary of the District of Columbia.

Now, that is going to require litigation, it is going to require expense, and we did not feel that the citizens of the new state should be burdened with the expense of trying to defend positions that they haven't had an opportunity to participate in in the past and that is what are the boundaries on the southern shore of the Potomac River, and that is why we have taken that position.

Now, again, the Congress is going to ultimately review whatever provisions exist in this constitution, and if they don't like it they will have a chance to tell us that they don't like it and give us the areas that they want changed. But what we are attempting to do here is at least establish a minimum area for the state of whatever, and if the Congress wants to give more to us then they can, but this is the minimum that we are trying to get.

PRESIDENT CASSELL: Any other response from the committee?

(No response)

Okay. I think we have had a question raised and we have had a committee response.

MR. T. MOORE: Mr. President, I just wanted to add to Delegate Jordan's presentation. During our specific hearings that we had a couple of weeks ago, several people, expert personnel testified and they indicated to us that we need to carve out the boundaries and submit it to Congress and let Congress decide what they want to do, but there is no such thing as submitting something for the compact and letting the Congress decide in that manner under the admissions.

They indicated specifically, carve it out and send it to the Congress. There have been four Presidents and each one of those Presidents, they haven't been specific or there is some controversy as to the enclave, so therefore maybe we can do it ourselves. We may set a precedent.

PRESIDENT CASSELL: All right. Delegate Baldwin, would you like to proceed?

MR. BALDWIN: Yes, I would like to proceed with my amendment.

Mr. President, I rise to offer a substitute section for Section 1, and it reads as follows: "The state of (blank) is that portion of the territory of the United

States ceded by the State of Maryland for the permanency of the government of the United States presently the District of Columbia, including the Potomac River in its course through the state and the islands therein."

MS. CORN: I second it.

PRESIDENT CASSELL: All right, it has been moved and seconded now that the -- is this a substitute now for Section 1?

MR. BALDWIN: Yes, it is a substitute for Section 1.

PRESIDENT CASSELL: All right, it has been moved to substitute for Section 1 this description, "The state of (so and so) is that portion of the territory of the United States ceded by the State of Maryland for the permanent seat of the government of the United States (presently the District of Columbia) including the River Potomac and its course through the state and the islands therein."

Discussion? Delegate Mason -- I beg your pardon.

MR. MASON: A parliamentary inquiry. The relationship between the amendment which I offered and the amendment which Mr. Baldwin is offering, is he offering a substitute to my amendment.

PRESIDENT CASSELL: Well, Mr. Baldwin has pointed out that --

MR. MASON: My amendment was made and seconded --

PRESIDENT CASSELL: Delegate Mason had made a motion. What I asked you to do was to write it out and give it to us. Delegate Baldwin has already given us his.

MR. MASON: I have given you mine.

PRESIDENT CASSELL: Yours is a subsequent motion. It hasn't been made yet because --

MR. MASON: Mine was made orally, was seconded. I provided the written copy to you as soon as I could thereafter before he made his motion.

MR. PRESIDENT: Okay. What I am saying is I had assumed that you were writing this out to make it at a subsequent time. While you were writing that out, we will hear another motion. Now, if you insist that your motion is on the floor, since you made it, I asked you to write it out and we will let that motion be on the floor.

MR. MASON: I assumed that it was. It makes little difference, I guess, but that was my understanding of the situation.

PRESIDENT CASSELL: Well, what is your position now? You assumed -- do you want it to be a motion that was made at that time?

MS. MASON: It was made at that time.

PRESIDENT CASSELL: All right, who made the second for that motion?

MR. : I did.

PRESIDENT CASSELL: Okay. Delegate Baldwin, let me give this back to you.

MR. BALDWIN: I had been recognized.

PRESIDENT CASSELL: The motion that was made by Delegate Mason and seconded is as follows: "I move that this section" -- which is Section 1 -- "be recommitted to the committee to redefine the boundaries of the District of Columbia which would not be in the state. The area excluded from the state would include the following buildings and a strip of parkland connecting them." And these are the buildings: "The Capitol, the House and Senate Office Buildings, the Library of Congress, the Supreme Court, the White House, the Executive Office Building, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial."

There is a further statement: "The Mall would be outside of the state, but the Department of Agriculture, the Smithsonian and the museums adjacent to the Mall would be in the state. This motion provides that the committee prepare a proper surveyor's description of the revised state boundaries to accomplish this." This is a motion made by

Mason.

MR. THOMAS: Point of order, Mr. President.

PRESIDENT CASSELL: Yes.

MR. THOMAS: Where he has Department of Agriculture, that should be Department of the Interior.

MR. MASON: Agriculture is what I have in mine.

PRESIDENT CASSELL: Yes, I don't think that was really a point of order. What you ask is what he stated is what he meant.

Okay. Discussion?

MS. CORN: Point of information.

PRESIDENT CASSELL: Point of information. State your point of information.

MS. CORN: Is there any way for the delegates to get copies of both the Mason and the Baldwin amendment here?

PRESIDENT CASSELL: The Baldwin amendment has not been made.

MS. CORN: Is there any way to get them Xeroxed right now so we can see them in front of us?

PRESIDENT CASSELL: It might be a bit impractical to take the time, unless the members feel that they cannot vote intelligently without being able to read. They are quite lengthy, there is no question about that. Essentially,

Delegate Mason's motion excludes All of the federal buildings and the Mall area.

MS. CORN: The White House and the --

PRESIDENT COSSELL: That's a federal building, yes.

MS. CORN: A point of information.

PRESIDENT CASSELL: Okay. One more point of information and then discussion.

MS. CORN: You said Delegate Mason's excludes all of the federal buildings, but everything else would be the new state, that includes the rivers, too?

PRESIDENT CASSELL: We can only say what the motion says. The motion only indicated what is to be excluded.

Discussion? Delegate Garner? Moore? Oulahan?

MR. GARNER: I find the description in the motion by Delegate Mason to be slightly preferable, the description of the federal district to be slightly preferable to the description provided by the committee's work. The committee has done a good job, a difficult act. But I believe that it would be a mistake at this time to recommit this issue to the committee, and I feel that way for a number of reasons.

First, I have my own motion and that motion in effect says that we should not describe any boundaries --

PRESIDENT CASSELL: That is really not in order.

MR. GARNER: I am arguing against adopting the Mason motion.

PRESIDENT CASSELL: Well, you are making an argument but your motion is not in order.

MR. GARNER: The concern is an effort that we make it very clear to the voters exactly what is going to happen. We should not define the boundaries either as Delegate Mason or as the committee has proposed. It should be clear to the voters that this issue is going to be decided in negotiations between our statehood representatives and the Congress.

MS. CORN: No.

MR. GARNER: At the time the Congress is serious about considering statehood, they will get down to worrying about the borders, and at that point the issue of the borders and the whole issue of the federal district will be resubmitted to the voters of the District of Columbia. What we do here in this document will not be the precise boundaries of the state and will not be decided for a long time.

I urge you at this time not to recommit this issue to the committee, and when we get to the committee motion, not to adopt specific boundaries for a federal district which constitutionally and politically for our own interest need not be adopted. I urge you not to support the Mason

proposal.

PRESIDENT CASSELL: A question by Harris and then Moore, Oulahan and Thomas.

MS. HARRIS: I would like to ask Delegate Mason why he thought it important to include three federal agencies within the state, the Department of Agriculture, the Smithsonian and the museums. I guess you mean the other Smithsonian buildings? You say museums.

MR. MASON: The original Smithsonian building, which is the Capitol, plus the museums. That means all of the buildings that the there on the Mall.

The only buildings I thought should be excluded were the legislative branch, the Supreme Court, the Library of Congress which is part of the legislative branch, plus the White House and the office building that belongs to the White House. I believe that the agencies themselves, no matter what they are, Agriculture, Commerce or any of them, should be within the state so that any incomes earned there by people living in Maryland, Virginia or anywhere else would be taxable by us. I saw no reason to say that if you worked in Department A, you are exempt from District tax, but if you worked in Department B across the street, you have to pay.

The dividing line, it seemed to me, should be between the agencies as such as distinguished from the White House itself on the one hand, as distinguished from the Congress on the other. But every department, whether Commerce, Agriculture, Labor, et cetera, the people should work in the District and their income should be subject to our tax laws. If we have a so-called commuter tax, it would apply to them; if we don't, it wouldn't.

MS. HARRIS: One more clarification. How do you propose that the state would be able to assume these federal buildings that were not erected by the state, are not presently being taken care of by the state? What you are saying is we just take control of all these buildings?

MR. MASON: We don't take control of them, any more than we take control of the post office up in Georgia Avenue in Brighton. It still belongs to the federal government and the federal government doesn't pay us any taxes. The federal government still owns the building, as it does thousands and thousands of buildings throughout the fifty states.

The only thing is that it would be in the state, just as Walter Reed will be in the state, or as the Brightwood Post Office or the post office out here on Pennsylvania Avenue would be in the state but would be federal property. But the

people who work there, since they work in the state, would be subject to our income tax.

PRESIDENT CASSELL: Delegate Moore, Bryan Moore, discussion?

MR. B. MOORE: I would like to pass for a moment.

PRESIDENT CASSELL: Delegate Oulahan?

MS. OULAHAN: Mr. Chairman, I don't know if there is enough of us here tonight who remember a movie called "At Fort Indigo," after World War II, about a quarrel that arose between a certain part of London and London, and the debate is getting terribly close to it.

I don't believe that anyone here, including the committee, can give us an absolutely detailed, verified list of where the boundary line should run or what building should be placed within the District of Columbia State or within the federal enclave. It seems to me that this is the kind of thing that ought to be worked out by ancillary legislation, not in the constitution but when the time comes to have this matter considered by Congress. Because we can make a lot of mistakes right now. Tonight we have a lot of changes in buildings and we are thinking big. It shows to me that we just are not that well informed, so therefore I will support any motion which states that the matter of

determining the boundaries of the state shall be one which shall be negotiated with or be determined by the state in consultation with Congress.

PRESIDENT CASSELL: Let me ask a question of the committee. I understand that the definitions that you have constitute essentially proposals that the Congress may deal with but not mandates which the Congress may feel as defects. Is that what you mean?

MS. NAHIKIAN: That is correct. If you look at the very first line of our Section 1 article, it states, "The State shall include at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area."

We are told -- and I might ask some of our legal counsel to respond to this, but we are told that that would allow for negotiations because we did not say "shall be the following," but used the words "at least."

PRESIDENT CASSELL: Okay. With that clarification, there may be people who feel that there ought to be specific definition, but it should be understood that the definitions we are dealing with in this article are not mandates but they are proposals presumably to be discussed or negotiated and such negotiation could come through the State Compact

Commission.

Delegate Thomas, Corn, Kameny.

MR. THOMAS: Pass.

PRESIDENT CASSELL: Delegate Corn.

MS. CORN: One thing that disturbs me in this whole discussion -- if you say we should not put down any boundaries, that should be decided later on if statehood is acceptable to Congress, you could say that about the whole constitution, let Congress decide first to give us statehood or not and then let them tell us what they want in this constitution and then go along with it. That is one way to approach it and I don't know what we are all doing here.

PRESIDENT CASSELL: All right, we really should be making motions to amend now but --

MS. CORN: That is all I have to say.

PRESIDENT CASSELL: -- necessary to have this further discussion. We are really harking back to our discussion period. I am going to allow it for a while.

Delegate Kameny.

MR. KAMENY: Yes. In view of what was discussed, Delegate Oulahan's suggestion and others, I would like to move that we add language where appropriate saying --

PRESIDENT CASSELL: You understand that there is a

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motion on the floor, Delegate Mason's motion on the floor?
You would be then asking to amend his motion?

MR. KAMENY: Whatever boundaries are proposed, we will deal with boundaries, the proposed boundaries.

MS. CORN: It is not ready yet.

MR. KAMENY: What?

MS. CORN: It is not in order right now. You are out of order.

MR. KAMENY: All right, I would suggest that we incorporate language to the effect that these boundaries may be altered by negotiation with the government of the United States prior to the taking of effect of this constitution without formal amendment to the constitution.

PRESIDENT CASSELL: It seems to me that you've got a motion. The motion on the floor is really to recommit for specific purposes. Right?

MR. KAMENY: No, my motion is to add this language at the appropriate time. First of all, when you consider it in order, at wherever it is appropriate, either at the end of this section or just before the listing of the boundaries, to say just that, which then indicates that these are subject to negotiation, we don't have to take the whole thing back to the people to go through the whole formal amendment process

at a later date. It leaves it flexible but still gives us our bargaining starting point, which I think is what the committee wants.

PRESIDENT CASSELL: Okay. I think that is something you are going to have to make at the proper time.

MR. KAMENY: Well, if you will tell me when it is appropriate, I will hold off until you tell me and then I will make my motion.

PRESIDENT CASSELL: Let's look at the motion again. The motion is to recommit, first of all. The motion also indicates what the maker of the motion believes should be those areas excluded. It seems to me we ought to divide this, first of all, into two parts, because we don't necessarily recommit it for the specific consideration of those areas that he wants to recommit. Would the maker of the motion accept, first of all, dividing that into two parts, and that is to recommit; and, second, to suggest the areas that you have included in the second part of your motion?

MR. MASON: In other words, when the committee is reviewing it, when it is recommitted --

PRESIDENT CASSELL: They would have your recommendations to consider, so when they come back they may very well come back with exactly what you've asked for in the

second part of your motion or they may come back with something different. It will be a little easier I think to take care of, first of all to recommit for the purpose of reconsideration, and then your specific suggestions is what they could use in their reconsideration.

MR. MASON: Yes.

PRESIDENT CASSELL: Okay. The first part of that motion, and let's make that a separate motion, that is to recommit for the purposes of reconsideration of the inclusions or exclusions. Is there a second to that motion?

MR. : I second that.

MR. GARNER: The point was to divide the question. One, is the question should this be recommitted to the committee; and, two, if it is, we could then give directions to the committee as to what I intended. Is that the procedure that you are attempting to suggest to us?

PRESIDENT CASSELL: The procedure is to recommit for a specific purpose. You could recommit just because you don't like it, or for a specific purpose.

MS. NAHIKIAN: Mr. President, the committee would like to have an opportunity for rebuttal to that motion.

PRESIDENT CASSELL: I'm sorry, one question at a time. Yes?

MS. NAHIKIAN: The committee would like to have an opportunity for rebuttal to that motion.

PRESIDENT CASSELL: Surely, and you have first call on rebuttal.

A point of clarification?

MR. COOPER: Yes. I want to suggest, Mr. President, how we might want to proceed on this motion, that is, maybe we take the motion to recommit and we take the remainder as a formal delegate proposal to the committee, so that if it is recommitted to the committee they will have to study those proposals set forth by Delegate Charles Mason in an orderly fashion. That way it might facilitate it.

PRESIDENT CASSELL: I think that is his intent. Is it not, Delegate Mason?

MR. MASON: That's correct.

PRESIDENT CASSELL: Very well. Okay. Mr. Baldwin?

MR. BALDWIN: Mr. President, I rise to offer a substitute motion to the motion to recommit, and my substitute motion is as stated earlier. I don't have a copy. The Secretary does.

My substitute motion is as follows: "The state of (blank) is that portion of the territory of the United States ceded by the State of Maryland for the permanent seat of the

government of the United States, presently the District of Columbia, including the River Potomac and its course through the state and the islands therein." It is not the intent of my motion to deal with the federal enclave.

PRESIDENT CASSELL: All right, is there a second to that motion?

MS. : I second it.

MR. LONG: A point of order.

PRESIDENT CASSELL: A point of order. State your point.

MR. LONG: I believe that he is proposing another amendment. The motion to recommit takes precedence over any amendments or any main motion and must be voted on before you consider amendments.

PRESIDENT CASSELL: Let us consider your reference to the rules.

Ladies and gentlemen, Delegate Long's point is well taken. The motion to commit takes precedence. We are going to have to vote on that first and then we could vote on amendments or substitutes.

Delegates, please, may we vote?

MS. NAHIKIAN: Mr. President, could the committee respond to that motion?

PRESIDENT CASSELL: Yes, anybody can respond. I will call on you first.

MS. NAHIKIAN: Prior to the vote. Delegate Jordan?

PRESIDENT CASSELL: Not before the vote, no. The motion has been put and --

MS. NAHIKIAN: It would be in the nature of speaking in opposition to the motion to recommit.

PRESIDENT CASSELL: Sure. Okay.

MS. NAHIKIAN: But we should do that before we vote to recommit.

PRESIDENT CASSELL: Certainly. There is discussion on the motion to recommit. Okay. Delegate Garner?

MR. GARNER: I move to divide the question. The question stated was to recommit and to recommit with specific instructions.

PRESIDENT CASSELL: No, Mr. Garner, that has already been agreed to and that is the way we are going to vote.

MR. GARNER: Okay.

PRESIDENT CASSELL: Okay. Those in favor --

MS. : I would like to speak on this, to speak against --

PRESIDENT CASSELL: You don't want to speak against dividing though?

MS. NAHIKIAN: No.

PRESIDENT CASSELL: That is all he is speaking about.

Delegate Rothschild?

MR. ROTHSCCHILD: If we should vote to recommit, does that give us the option to go on with further detailed discussion as to what advice we might want to give the committee, or will that close off that type of extended --

PRESIDENT CASSELL: No, if you recommit it, then there is nothing to discuss until it is brought back.

Delegate Bruning?

MR. BRUNING: I thought the motion was divided in two, one to recommit and then the second thing that would follow would be whether or not we follow the instructions of Mr. Mason as the question for the condition of the --

PRESIDENT CASSELL: That's true, but you have still got to vote to commit. If you vote to commit, then the second part is the instructions or the nature of the re-committal motion.

MR. BRUNING: Okay.

PRESIDENT CASSELL: Now, may we vote on that motion? All right, the motion --

MS. NAHIKIAN: The motion to adopt --

PRESIDENT CASSELL: No, no, no. We have already decided. Mason has accepted --

MS. NAHIKIAN: Therefore the committee would like to have an opportunity to speak against the motion --

PRESIDENT CASSELL: The motion to divide?

MS. NAHIKIAN: No, the motion to recommit.

PRESIDENT CASSELL: Yes.

MS. NAHIKIAN: Are we voting on the motion to divide or --

PRESIDENT CASSELL: No, we are voting on a motion to commit.

MS. NAHIKIAN: All right.

PRESIDENT CASSELL: But we have to put the question first, and then during the debate you speak against it. Right? You have to have something you're speaking against, right?

All right, it is now time to have discussion on the motion to recommit. The committee? Whomever?

MR. JORDAN: Mr. Chairman, I rise to speak against this motion to commit, for several reasons, and I want to see if all of us can consider some of the viewpoints we've heard in the discussion this afternoon and also on Saturday.

First of all, I think that each and every person

who has stood up has in one way or the other offered a definition for boundaries. So the committee's choice of defining boundaries is not inconsistent with the other proposals that have been raised. The only question that is before us with respect to boundaries is have we chosen the boundaries that the individuals wanted to choose or the delegates wanted to choose. But I think all of us are in agreement that there should be boundaries.

The second question is I think we have to understand the fallacy in this argument, and that is to suggest that by carving out certain federal agencies we will put ourselves in a better position of collecting taxes and consequently we will not be treating certain employees different from certain other employees, that all employees will be treated in a similar manner.

But you see, it does not hold true if in fact certain office buildings or the White House are excluded. That means then that employees at the White House will be treated differently than employees from the Smithsonian, it means that employees of Congress will be treated differently than employees of the Department of Agriculture. So I think we need to understand the contradictions that exist here, that is, to suggest that we have not resolved the problem in

accepting this proposal of delineating between which employees you are going to tax or are subject to the commuter tax, if you choose to enact it, and which employees will not.

So the crucial issue on that is number. The principle still remains the same. Our committee has brought you a proposal that expresses a certain number of federal employees that will be subject to taxation if the state wants to do that. The proposal that is before you will say that a certain number will still be, so I think we are majoring in minors. I don't think that we need to be hung up over these issues, since we have all agreed that the boundaries are necessary, an establishment of boundaries are necessary, and we all agree that some employees will be exempt from the taxing powers.

So in that respect I think we need to see the contradictions and we need to move beyond that and we need not to send this back to committee. If there is a need to amend the boundaries then we can do it here on the floor. We have done it with other committee reports that have been brought before us, and I think that that is a proper way, not to suggest that recommitment is not a proper way, but I think that is a proper way and it will probably serve the interests of this convention more if we just go ahead this evening in

those areas where we feel there is a need for amendment, do that.

PRESIDENT CASSELL: We are now voting on whether to commit the report back to the committee for reconsideration. There is one person against it. Does anyone want to speak for commission? Delegate Mason?

MR. MASON: I think I could make it quite clear that I realize that any enclave that you have will include some employees who would therefore not have to pay state income taxes. My only effort was to start out with an enclave as small as possible, that includes as few people as possible in that category, to leave any efforts by the federal government to change that to be in the direction of enlargement, rather than starting out with a rather large enclave like the committee has done.

So I would hope that you will support this idea which is to go back to the original pre-home rule concept that the federal enclave would be very small, include no place where anybody lives except the White House, no place where anybody works except the White House and its associated office buildings, the Capitol and its associated office buildings, including the Library of Congress, and the Supreme Court.

PRESIDENT CASSELL: We have one for and one against committing it. Someone else against? Is there anyone else who wants to speak against the motion to commit? Delegate Moore?

MR. B. MOORE: I am not sure I want to speak against it, but I need a clarification before I can make that statement. Is it my understanding that if we recommit discussion of this article, that --

PRESIDENT CASSELL: Recommitting the article itself for reconsideration by the committee.

MR. B. MOORE: Yes.

PRESIDENT CASSELL: We are having discussion now.

MR. B. MOORE: But would the committee then only address itself to the specifics of Mr. Mason's proposed changes?

PRESIDENT CASSELL: It would not be limited, but it would be obligated to consider that, if indeed we pass the second part of the motion, but we haven't passed the second part of the motion. If this motion passes, it simply means that it is reconsidered, it is committed for the purpose of reconsideration.

Now, do you want to speak for or against?

MR. B. MOORE: I believe I would like to speak --

I don't know. I will withdraw.

PRESIDENT CASSELL: All right. Delegate Jackson?

MR. JACKSON: Mr. President, let me make sure I understand one thing about recommitting, is that it does not have to go back to the particular committee. It seems to me that the committee has much difficulty and if some experts like Mr. Mason and others who can deal with the question, it can also be dealt with in that fashion, so recommitting does not necessarily mean it goes back to that committee, and a special committee to deal with the problem can be set up. That is just a point of information.

PRESIDENT CASSELL: His motion is to recommit it to this specific committee.

MR. JACKSON: Is that the motion? As I understand recommitting, there are several sections of it in Robert's Rules of Order. Is it committed to this specific committee or is a body set up to do it?

PRESIDENT CASSELL: No, there was no mention of that. The motion specifically directed the recommitment to the committee for reconsideration.

MR. JACKSON: Maybe person doesn't understand the rules then, Mr. Chair. I think they don't understand the rules.

PRESIDENT CASSELL: No, no, no, no, no, no. I think the delegate fully understands the rules. It may be -- and even if he doesn't understand the rules, he has expressed his option. There may be a hundred others, but he seems to be satisfied with the one that he offered.

Okay. Delegate Kameny, for or against?

MR. ROTHSCCHILD: Let me ask you, my question is if we are to vote yes on recommitting and if we are to vote no on the second part of that -- Mr. Mason suggested examination of the way of looking at it or redrawing the boundaries, are we then -- can we then go on further discussing what the body feels may be -- what the committee should look at --

PRESIDENT CASSELL: If the body agrees that it should be recommitted, that means the body wants it off the floor. That means the body wants it reconsidered. You cannot continue discussing it.

MR. ROTHSCCHILD: Okay. I would like to speak then against recommitting for the reason being that I think it is important, since it is on the floor now and we do have a very detailed proposal, I think it would be worthwhile for everybody to hash it out and see what it is we either like or don't like about it. Merely to send it back to the committee at this point might result in another proposal coming

out of the committee without proper input from the delegates themselves that again would be disagreeable to the convention or to the body. So therefore I am against recommitting it at this point because we have not fully discussed their proposal.

Thank you.

PRESIDENT CASSELL: We have had two against. Is anybody for this motion? Is anybody else for it? Is there anybody else for --

You didn't answer. You just held your hand up. Delegate Bruning?

MR. BRUNING: I would like to speak in favor of it. First I want to -- again, I've got what I consider a contradiction in the discussions we have had with Mr. Rothschild and myself -- I am working on the assumption that because we split this question, one, we vote to recommit, it goes back to committee; and second of all, the second part of the motion is discussion on the definition of what those terms should be decided on. It seems to me that within that motion then we have the possibility of either accepting or rejecting the advice of the committee, and I have yet to hear a definite ruling on that.

PRESIDENT CASSELL: We vote on the motion and --

MR. BRUNING: I haven't asked my question. My

question was --

PRESIDENT CASSELL: I'm sorry. I wasn't listening.

MR. BRUNING: My question was with this motion, one, we reconsider; the second part of the motion as I understand it was essentially the question of whether or not the committee would be following the instructions that Mr. Mason has suggested. And I thought our understanding was that we would -- as I understood it, the debate on whether or not his definitions was indeed what the committee would be told to act on and whether or not his instructions could be amended or completely changed by the committee on the floor and sent to the committee as part of the --

PRESIDENT CASSELL: Let me make a ruling on that, if I understand the maker of the motion. There is a motion on the floor to commit. That cannot be modified until there is a vote on what happens after that. You vote yes and that simply means commit and the implication is you commit for reconsideration. If you come back with the same thing after consideration or something different, that is the motion that is on the floor and that is the only implication.

MR. BRUNING: I ask this because I feel we had an obligation to vote on the basis of his specific suggestions, and if that was the case, it was recommitted, then the second

part of what we will be voting on is simply the instructions to determine the area of reconsideration.

PRESIDENT CASSELL: Yes, and I think that has been stated rather clearly. Wasn't it? You are correct, in answer to your question.

MR. BRUNING: I would like to speak against the motion on the grounds that Mr. Mason's proposal I think gets the boundary minimum of what I would like to see included. And if we start basing it on this, I think we should start by giving them the minimum and expanding upward instead of starting on a broad area and expanding up.

PRESIDENT CASSELL: We will take one more and then we will have had two, four and three -- something. Delegate Coates?

MR. COATES: I oppose recommitting because I am in disagreement with what is provided for in the Mason stipulation of boundaries. For example, Birney Elementary School and the other school properties indicated make use of federal land. Birney annexes on federal land. Birney Playground is on federal land. Barry Farms Recreation Center is on federal land. The district land and 20 feet beyond the northern wall of Birney School, for example, and I am also aware of other properties in D.C. which are similarly

situated insofar as jurisdiction is concerned.

The Mason motion in my opinion is totally insensitive to and does not respond to our interests in those matters and I am opposed to recommitting it because we do not have agreed upon specifications and informational directives so that the committee can intelligently deal with this matter.

Until those questions are answered clearly by members, I myself cannot support the position of recommitment.

PRESIDENT CASSELL: Okay. Fellow delegates, it is now 7:42. We are on the very first item, the very first item on the agenda. There have been seven people to speak against this. I would like very much -- I think there has been exhaustive debate --

MS. MASON: Point of order.

PRESIDENT CASSELL: State your point of order, please.

MS. MASON: Mr. President, it is very important not to allow misinformation to go into the record. We are not talking about whether it will be federal lands. We are talking about the boundary -- I'm sorry, I did not -- I did not interrupt you, never in my life.

MS. EICHHORN: The person you are addressing is not

listening.

MS. MASON: I am addressing this to the whole body. Mr. Garner, would you sit down and let the delegates listen, please?

MR. GARNER: I'm sorry.

MS. MASON: Thank you very much. I have never done you that way.

Mr. President, I was saying that we should not allow misinformation to get into the record, and I am not saying that was intention. But we are not talking about federal lands. We know that we cannot take any of the land which is owned by the federal government -- which is owned by the federal government. We know that. We are just talking about what will be within the boundaries of the enclave and what will be the boundaries of the District of Columbia, for the new state. And that has nothing at all to do with the land which is owned by the federal government, no matter where it is in what is now the District of Columbia, and I think that has to be very clear for the record.

Thank you, Mr. Chairman.

PRESIDENT CASSELL: May we now vote on this issue?

Those in favor of committing back to committee for reconsideration, signify by raising your hands, please.

(A show of hands.)

MR. COOPER: 11.

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

MR. COOPER: 19.

PRESIDENT CASSELL: Abstain.

The motion loses, therefore there is no point in having the second part of that motion.

We are back to the original motion, which is the adoption of Section 1.

There is a substitute motion by Jim Baldwin, which was moved and seconded. Do we need to read that again? Does everybody remember what it was?

Okay. Discussion? Everybody has copies. Kameny, Corn, Schrag.

MR. KAMENY: I point out, Mr. President, that Delegate Baldwin's motion violates the Constitution of the United States, if I understand that Constitution, because it leaves no place for "the seat of government." And I think on that basis it should be voted down if it comes up for a vote.

Thank you.

PRESIDENT CASSELL: Delegate Corn?

MS. CORN: As it stands now, I believe that this

amendment is unconstitutional, as Delegate Kameny has stated. However, by adding the following language, it would become constitutional and I would move it as an amendment: After the word "therein," it shall state "the White House, Congress, and the Supreme Court shall not be included in the state boundary."

MR. KAMENY: Then you are right back to where we were before. You shall have to specify where things go.

MS. CORN: I so move as an amendment.

PRESIDENT CASSELL: Is there a second to that motion?

Delegate Schrag?

MR. KAMENY: Was there a second there?

PRESIDENT CASSELL: There was not. I call on the next person. Delegate Schrag.

MR. SCHRAG: Mr. President, I rise to speak in opposition to the Baldwin motion because it seems to me that the Baldwin motion would accomplish exactly the opposite of what Delegate Baldwin intends. That is, if I understand him correctly, it is his position, and a very reasonable one, that we should not dictate to the federal government what land the federal government should have as its federal district.

This amendment, however, does precisely that. It specifies that no land shall remain to the federal government as the federal district. It says that all of the land ceded by Maryland for the permanent seat of government of the United States must be part of the state. It leaves no federal district. It doesn't leave the White House as federal district property, it doesn't leave the Congress building as federal property. It is the extreme opposite of what I think the delegate intends. It even goes so far as to bring National Airport out of the state of Virginia and into the new state because National Airport is on land that was once ceded by the state of Maryland, and I think we will have conflict there if we adopt this amendment not only with the Congress but also with the sovereign state of Virginia.

PRESIDENT CASSELL: Delegate Baldwin.

MR. BALDWIN: First I would like to say that Delegate Schrag and Delegate Kameny are all wrong. Number one, it is not unconstitutional. You have got to say the "seat of government." Those of you that are lawyers know that this language is taken word for word, verbatim from the legislation that was passed in 1790 and again in 1845, that specifically states that the seat of government was the District of Columbia. Those of you that know your history

know that in one part we were the Territory of the District of Columbia, it was called the Territory of Columbia, we had two counties and the Congress said the seat of government shall be sitting in Washington, which was then changed to the District of Columbia.

Now, you would have to raise and show exactly how that is unconstitutional. This dates back to when I describe and I concur in what Delegate Oulahan said, that we should be thinking in terms of trying to define the federal district, the seat of the United States government, the National Capital. It was the intent of my motion and the intent of this motion to leave out this discussion about the National Capital Service Area, unless you are going to include it verbatim, what we have in Public Law 93-198.

So in summary, Mr. President, what I am saying is that, no, it does not address the National Capital Service Area, but yes, it does address the seat of government it says "the permanent seat of government of the United States," and I would like Delegate Kameny then to rise and show and state to me what is the seat of government of the United States as of today.

(2-A) MR. : I would like to move a substitute motion for Delegate Baldwin's motion.

PRESIDENT CASSELL: That is out of order. Delegate Baldwin's motion is a substitute motion.

Delegate Jordan.

MR. JORDAN: If you include the boundary that is in this substitute amendment, you will have to deal with the question of the 1791 law and that issue is presently being litigated in the Court of Appeals in Washington, D. C. The point I am trying to make is that you would also then come in conflict with the 1945 Boundary Act which has not been considered. I don't care how many other issues or dates that are being cited, there is an act that was passed in 1945 that created boundaries for the District of Columbia and that includes National Airport.

Now, the maker of this motion would have us believe that we don't have to consider that, we would have to consider the 1790 and the other 1840 he gave us, but we don't have now to consider 1945. 1945 established boundaries for the District of Columbia and it says that National Airport was ceded from the District to the State of Virginia, jurisdiction over it was ceded from the District of Columbia to the State of Virginia.

One final point: Again I raise this question or this issue with everyone because implicit in this article or

— this substitute amendment are boundaries, so there is no dispute that we should set boundaries. But what is left out of this boundary and what is going to necessarily create a conflict is there is no consideration whatsoever in this proposal for the national interest, for the seat of government. So we create an irreconcilable conflict between the interests of the new state and the interests of the Congress of the United States, so I would very strongly urge that you vote against this amendment.

PRESIDENT CASSELL: Now there have been one, two, three, four, five speakers -- four against and one for. Is there anyone who wants to speak for this issue?

Delegate Jackson.

MR. JACKSON: I have had an opportunity to read many constitutions and I have had a chance to see many countries and I can't find one -- I found very few that set aside a particular area outside of a particular boundary for a capital. In other words, I think everything should be in D.C. I think all of us should pay taxes. I think everybody should be responsible for it, and I see no reason to make any special amends for someone, whether they work for Congress or anyone else.

— Now, the U.S. Constitution provides for the seat

of government, as does any national constitution, but the seat of government has nothing to do with this. Let the national constitution decide the seat of government as it exists today. As far as I am concerned, none of that stuff belongs or should be a part of anything except D.C., except those lands that are designated as part of the federal government for federal purposes, nothing more and nothing less.

PRESIDENT CASSELL: All right, may we vote on this issue now. Those in favor of the substitute motion as read to you by Delegate Baldwin, signify by raising your hands.

(A show of hands.)

MR. COOPER: 3.

PRESIDENT CASSELL: Opposed?

(A show of hands.)

MR. COOPER: 23 against.

PRESIDENT CASSELL: No abstaining. All right, the motion loses.

We are back to the original motion on Section 1 as written.

Delegate Garner, Delegate Mason.

MR. GARNER: Mr. Chairman, I would like to offer a substitute motion to the motion from the committee, and that

motion reads: The boundaries of the state of (blank) shall be the same as those of the District of Columbia, with the understanding that the boundaries of the state shall be subject to negotiation with and approval by the Congress of the United States. Period.

MR. : I second.

MR. GARNER: Mr. Chairman, if I may speak to that.

PRESIDENT CASSELL: Let me ask you, did you mean not to exclude any portions?

MR. GARNER: Yes, sir.

PRESIDENT CASSELL: Yes, sir.

Discussion.

MR. GARNER: First, the main constitutional point I would like to make, for those of you who read Article I, section 8 of the U.S. Constitution -- and I believe the committee will agree on this constitutional interpretation, since that was the advice it got from I believe it was Jason Newman at one of their committee meetings -- the Constitution of the United States does not require that there be a federal district.

The Congress has the authority to create a district, and if it does create a district it shall have exclusive authority over that. During the first ten years under the

Constitution of the United States, there was no District of Columbia. It didn't exist then. It does not need to exist now, constitutionally. That I believe ought to be firm and straight, and we ought not to in our first initial proposal recognize that there must be a federal district.

Now, I believe and I believe the committee believes there will be negotiations with the Congress. These boundaries will be worked out in that negotiation. We agree on this point. And finally, that negotiated agreement will be submitted to the voters of the District of Columbia for their approval. But we ought not now submit on those minimal boundaries for the state or whatever it is going to be.

What the committee has proposed is a boundary line that says no less than this, we think that everything inside our boundary must be in the state, and they have implied but not said everything else is open to negotiation.

PRESIDENT CASSELL: Have you written that out?

MR. GARNER: Yes, I have.

PRESIDENT CASSELL: May we have a copy of it, please?

MR. GARNER: I will give it to the Secretary.

There is one or two more points I will make very quickly. The second point -- one is constitutiona; two, you

do not need to define the federal district in our document; and, three, politically let that decision be made at the negotiating table. We are not now speaking to anyone. This issue must be worked out at that time. Do not give up everything now. Work it out at the negotiating table, make it clear to the voters that it will be worked out at the negotiating table and they will have a final say. That is the position I urge you to take and I urge you support this position.

Thank you very much.

PRESIDENT CASSELL: Delegate Mason and Delegate Long, and Delegate Nahikian.

MR. MASON: I was rising to speak to what was on the floor before the Garner amendment was offered.

PRESIDENT CASSELL: You have the floor if you want to speak on Garner's amendment.

MR. MASON: I at this time do not wish to discuss the Garner amendment. If the Garner amendment is defeated, I would request the floor to speak again on the main motion.

PRESIDENT CASSELL: Okay. Delegate Long.

MR. LONG: Mr. President, I think what we have before us now is a choice of strategies. Remember that our goal in this whole operation we have been undertaking since

-- long since is to gain favor. So it is a matter of which proposal is going to elicit the best response from those involved. Now, in Peoria we are going to hear, "What, they are going to eliminate the District of Columbia, the seat of government?" And we will get knocked out of the box.

In my opinion, the committee's proposal is a reasonable bargaining point which will get the best response. Now, in normal bargaining you take the hardest position and you negotiate. That is where you have a sort of even kind of negotiating position. Here we certainly do not. We must take account of the realities that we are up against. I strongly support the committee's proposal as the most reasonable way to proceed to gain the overriding goal which is statehood for the District of Columbia.

MR. BALDWIN: A point of information.

PRESIDENT CASSELL: State your point of information, Delegate Baldwin.

MR. BALDWIN: As to the point made about negotiations, at what point -- what will they be negotiating? If you have constitutional approval of the process and then to the Congress, someone say you then negotiate. Are they saying after we get statehood we get to the negotiations?

PRESIDENT CASSELL: Do you want to address that, as

the maker of the motion?

MR. GARNER: I believe the committee and I are in agreement on this. The Statehood Contact Commission created by the statehood initiative called for it to be of equal size, equal numbers with those from the federal government. That is the body which will negotiate a number of understandings that will go into the Statehood Conditions Act, and it is that body I believe which will be, along with the statehood representatives that we will elect, which will negotiate the boundaries for the new state. They will then submit that to the voters prior to being made a state. That I believe is the process described by Delegate Schrag on Saturday in which the committee understands to be the process of admission.

Delegate Long is correct, it is a question of strategy. We are in agreement on 99.99 percent of the substantive issues.

PRESIDENT CASSELL: Delegate Nahikian.

MS. NAHIKIAN: Mr. President, I think that it is important for the delegates to appreciate the fact that the committee did not come to its recommendation proposal lightly. I think it is important for delegates to look at the rationale of the discussion in our report, and I want to

point out several items.

The debate in the committee covered several issues and the basic issue revolved around an issue of political strategy, knowing that our goal was statehood. Initially, the committee had taken a position of adopting no boundaries but simply stating that in the constitution there would be a federal district and that the boundaries of the state be created by negotiations with Congress. The rationale for this position which we ultimately abandoned was that by defining boundary, the state would be negotiating from a position of weakness instead of strength; that is, the state might be more successful in negotiating a smaller federal district.

Secondly, the alternative position would be to simply state the major federal buildings, such as the White House, the Mall, the Capitol, much as Delegate Mason has proposed.

The first committee draft that went to public hearing in fact took that position. It was after the public hearing that the committee made the decision to specify the boundaries in the constitution as opposed to leaving them open to negotiation during the negotiation of the admissions act. Let me point out the reasons why.

Several experts, including Delegate Fauntroy, including Robert Harris, who is the former legislative aide to Senator Tom Eagleton, who helped draft the home rule charter, suggested that we had to specify boundaries in the constitution. In fact, Delegate Fauntroy pointed out, as Delegate Talmadge Moore pointed out earlier, that five Presidents had attempted to define a federal district and none had ever done it successfully.

Based on that, we felt that the more important political decision was statehood, rather than the secondary position of the size of the federal enclave, and we made the value judgment that giving up some buildings that might in the future be subject to commuter tax or otherwise was in fact not the position that we felt was the politicall most valuable position to take, i.e., in Peoria or in Idaho the very idea that the District of Columbia, with the problems we already are going to encounter in seeking statehood, would even suggest that we would control the White House, that we would control the Smithsonian or the Lincoln Memorial absolutely would not fly, and therefore we took the safest position which was to define within a geographic tangible area the boundaries based on the National Capital Service Act, with the exception that we left out the major military

institutions, Fort McNair, Bolling Air Force Base, et cetera, because they operate like federal land in any other state.

I would like to finally indicate before I end my opposition to Garner's motion that the committee, however, has recognized the need to change some language, and we in fact are prepared to offer an amendment that is in fact Delegate Garner's first proposed amendment that he has circulated to the delegates, and we do this because it makes it clear that the boundaries shall be at least something, but it will be negotiated.

Thank you.

PRESIDENT CASSELL: Delegate Brian Moore.

MR. B. MOORE: Yes. I would like to rise in support of the substitute motion that is now on the floor. I feel that what the committee is recommending is basically throwing the baby out with the bath water. It would seem to me much more logical if we did not separate the federal enclave from the state. By doing so, we basically separate ourselves from possible sources of revenue, not to speak of more land and more materials and more buildings that the state could acquire should the federal government decide some day somewhere, somehow that they are no longer in need of the river or no longer in need of the bridges or no longer